

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of New Mexico

United States of America)

v.)

Julio Cesar LOPEZ-Hernandez)

Nathan Christopher BALL)

Case No.

18 mj 2972

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 12th of September in the county of Luna in the
State and District of New Mexico, the defendant(s) violated:

Code Section

Offense Description

18 USC 554(a)

Attempted to Smuggling of Goods From the United States.

18 USC 371

Conspiracy to Commit Offense or to Defraud United States

This criminal complaint is based on these facts:

Please see the attached Supplemental.

☒ Continued on the attached sheet.


Complainant's signature

Javier Gallosa HSI Task Force Officer

Printed name and title

Sworn to before me and signed in my presence.

Date:

9/14/18

City and state:

LAS CRUCES, NM



Judge's signature

KEVIN R. SWEAZE
U.S. MAGISTRATE JUDGE

Printed name and title

United States of America

v.

On the morning of September 12, 2018, at approximately 0908 hrs. HSI Deming, BEST, received information based on a lookout on LOPEZ-Hernandez, Julio Cesar who was requesting admission into the United States, subject had links to individuals involved in the smuggling of weapons into Mexico. HSI Deming Agents conducted surveillance of LOPEZ-Hernandez while in Deming and observed him meet up with a second subject at the Walmart in Deming, later identified as Nathan Ball, a United States Citizen and resident of El Paso, Texas who was driving a white 2018 GMC Sierra bearing Texas plate #HXL6484. Agents later observed both subjects continue southbound on New Mexico State Highway 11, towards Mexico at approximately 1115 hours.

On September 12, 2018, at approximately 1150 hours while conducting outbound operations at the Columbus, New Mexico Port of Entry, Customs and Border Protection Officers (CBPO) Michael Padilla and Alex Walter encountered for inspection Julio Cesar LOPEZ-Hernandez, a Mexican National with a Border Crossing Card (B1/B2) Visa in a Blue 2014 Toyota Highlander with Mexican plate #876XLD. CBPO Padilla conducted an Outbound declaration for any Firearms, Ammunition, or money over Ten-Thousand dollars to which subject LOPEZ-Hernandez gave back a negative declaration. LOPEZ-Hernandez stated he was carrying back food he purchased from Walmart in Deming, NM. CBPO Padilla then asked for the keys to the vehicle so that he could inspect the vehicle. At this time LOPEZ-Hernandez seemed agitated and began moving around, acting as if he didn't know where he had placed the keys. LOPEZ-Hernandez was again asked for his documents and again he was acting as if he couldn't remember where he had placed his wallet in which he had his Visa. Subsequently, CBPO Padilla began to inspect the vehicle's back seat and noticed a box with light bulbs, when he went to pick it up from the floor to place it on the seat he noticed it to be a little heavy. CBPO Padilla proceeded to open the box and discovered several other smaller boxes and upon closer inspection noticed them to contain a hand gun. LOPEZ-Hernandez was detained and escorted into the Columbus Port of Entry building foyer.

On September 12, 2018, at approximately 1150 hours while conducting outbound operations at the Columbus, New Mexico Port of Entry CBPO Walter made contact with the driver of the next vehicle directly behind LOPEZ-Hernandez' vehicle. The driver was later identified as Ball, Nathan Christopher and instructed him to shut off his vehicle and hand over the keys to him. Subject was asked for identification to which he presented his duly issued U.S. Passport Card (C11530784) bearing his name and photograph. CBPO Walter asked the subject where he was headed to which he responded he was going to Nuevo Casas Grandes, Mexico to attend an off-road event. He was then asked if he had any weapons, ammunition, or money in excess of \$10,000 to which BALL responded that he had nothing to declare. CBPO Walter noticed BALL had a small black two-way radio placed on his lap. At this time CBPO Walter was signaled by CBPO Padilla of his discovery in the vehicle in front that he was inspecting. CBPO Walter asked BALL to exit his vehicle and detained him as they were believed to be traveling together and escorted him into the Columbus Port of Entry building foyer.

While conducting a more intensive inspection of the vehicles in Customs secondary, inside the Toyota Highlander CBP Officers yielded three (3) pistols, a Walther Pk380, a Pietro Barretta 92 FS .9mm, and a Springfield XPS .9mm. Officers also discovered two (2) long guns, a Remington 12 Gauge Shotgun and a Henry .22 Cal Rifle. The firearms were concealed inside a green box of lights and a box containing a canopy. Along with the pistols and long guns, 5 boxes of ammunition were also found (1 box of .12-gauge shotgun shells, 1 box of .20-gauge shotgun shells, 2 boxes of .9mm caliber rounds, and 1 box of .380 caliber rounds). A small black two-way radio was also found inside the Toyota on the same frequency/channel as the one inside the White GMC Sierra driven by BALL. Two additional radios were found in the white GMC Sierra.

On September 12, 2018, after having been advised of his Miranda rights, HSI Deming, BEST Agents Jose Rios and TFO Gallosa interviewed Julio Cesar LOPEZ-Hernandez. When asked for his place of employment LOPEZ-Hernandez stated he was a Federal Police Commander in the city of Ascension, Chihuahua, Mexico. LOPEZ-Hernandez stated he had entered into the U.S. from Mexico through the Columbus port of entry at approximately 0900 hours on this date and proceeded to Deming where he went to the Walmart. While inside Walmart LOPEZ-Hernandez met up with another male subject later identified as Nathan Ball. LOPEZ-Hernandez advised that they both walked out of the store and placed the items he had purchased inside his vehicle. LOPEZ-Hernandez stated that after leaving Walmart, they traveled to Burger King nearby. LOPEZ-Hernandez stated that before he went inside the Burger King establishment, that BALL asked him if he would take a few things for him to Mexico to which LOPEZ-Hernandez agreed. According to LOPEZ-Hernandez, BALL placed the items inside his vehicle. LOPEZ-Hernandez described the items to be a green box of lights and a blue canopy. Ball also provided LOPEZ-Hernandez with a two-way radio, so they could stay in communication along the way and in to Mexico due to the lack of cell phone coverage in the area. Once at the POE, LOPEZ-Hernandez was asked by CBPO's if he had anything to declare to which he said nothing, just what he had purchased at Walmart.

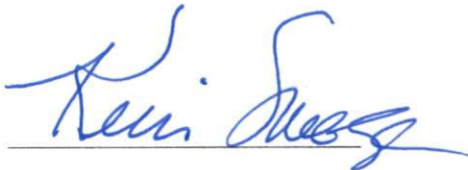
On September 12, 2018, after having been advised of his Miranda rights, HSI Deming, BEST Agents Jose Rios and TFO Gallosa interviewed Nathan Christopher BALL. Agents asked ball where he had been and where he was heading? Ball replied that he was on his way to Mexico to attend an off-road event. BALL stated that he had been in Deming earlier in the day and had coincidentally encountered an acquaintance (LOPEZ-Hernandez) at the local Walmart. BALL stated he knew LOPEZ-Hernandez was a Federal Police officer in Mexico and had been stopped by him a few times. BALL stated the LOPEZ-Hernandez offered to pay for the items he was going to purchase, and that they walked out of the Walmart together to LOPEZ-Hernandez's vehicle which was parked almost next to his vehicle. LOPEZ-Hernandez and BALL drove to the nearby Burger King where BALL told LOPEZ-Hernandez he really wasn't hungry and that he would be leaving to Mexico ahead of him. When asked if he had placed anything inside the vehicle belonging to LOPEZ-Hernandez, he said "no." BALL later admitted to having been asked to purchase the guns that were found inside the vehicle belonging to LOPEZ-Hernandez.

A follow-up investigation revealed that BALL in fact on September 10, 2018 purchased the 3 handguns located inside the vehicle belonging to LOPEZ-Hernandez at COMMANDO

ARMORY located at 10341 Album Avenue El Paso, Texas 79925. During purchase, BALL presented his Texas Concealed Weapon permit #06858245 for the purchase of a Walther Pk380 serial #WB126472, a Pietro Barretta 92 FS .9mm serial #M96206Z, and a Springfield XDS .9mm serial #S3631888.

The Columbus Port of Entry has signs posted as you enter into the outbound inspection area stating it is against Federal Regulations to Smuggle/Export with failing to declare an article when required to do so, or to obtain any required export permits or licenses, may result in civil and/or criminal sanctions, including seizure and forfeiture of the property.

AUSA Renee Camacho was contacted and accepted prosecution for attempted Smuggling of Goods from the United States pursuant to Section 18 USC 554(a) and Conspiracy 18 USC 371 for both subjects LOPEZ-Hernandez and BALL.

A handwritten signature in blue ink, appearing to read "Kevin R. Sweazea", written over a horizontal line.

United States Magistrate Judge

Kevin R. Sweazea

A handwritten signature in black ink, appearing to read "Javier Gallosa", written over a horizontal line.

Javier Gallosa Task Force Officer